

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

RONALD ALLEN, #143728,

Petitioner,

**Civil No: 03-CV-70306-DT
Honorable Gerald E. Rosen
Magistrate Judge Virginia M. Morgan**

v.

THOMAS PHILLIPS,

Respondent.

**OPINION AND ORDER RE: PETITIONER'S MOTION FOR
EXTENSION OF TIME; MOTION TO AMEND THE
COURT'S 9/29/06 ORDER & RESPONSIVE PLEADING**

This matter is a habeas corpus case which was reinstated by the Court on September 29, 2006. As a result of the Petitioner's decision to delete an unexhausted claim, the petition became ripe for habeas consideration. The following was ordered by the Court:

IT IS FURTHER ORDERED that Petitioner file his amended habeas petition thirty (30) days from the date of this Order.

IT IS FURTHER ORDERED that the Clerk of the Court serve a copy of the amended petition for writ of habeas corpus and a copy of this Order on Respondent and the Attorney General by first class mail.

IT IS FURTHER ORDERED that Respondent file an answer to the amended habeas petition within sixty (60) days of the date of this Order or show cause why they are unable to comply with the Order.

(Opinion and Order, dated 9/29/06, pg. 6). On October 20, 2006, Petitioner filed a "Motion for Extension of Time to Comply with the Court's Order of September 29, 2006 and File Relevant Documents Required by the Court." Also filed with the Court and attached to Petitioner's extension motion, but not docketed separately as such, was "Petitioner's Motion to Amend the Court's Order

of September 29, 2006.” This motion requested that the Court include in its September 29, 2006 Order a directive to the Clerk’s Office to supply Petitioner with copies of certain documents and pleadings from his case file as he lacked access to materials he deemed necessary to file his amended petition. On November 21, 2006, Respondent submitted its answer to the original habeas petition. On January 22, 2007, Petitioner filed his amended habeas petition, however, it was not titled as such.

Although the Court already entered an order on September 29, 2006 regarding Petitioner’s filing of an amended petition, service and a responsive pleading, there had been no resolution to Petitioner’s subsequent extension and amendment motions. Consequently, for clarity and direction, the Court enters the following:

IT IS ORDERED that Petitioner’s “Motion for Extension of Time to Comply with the Court’s Order of September 29, 2006 and File Relevant Documents Required by the Court.” [Docket #24, filed October 20, 2006] is GRANTED.

IT IS FURTHER ORDERED that “Petitioner’s Motion to Amend the Court’s Order of September 29, 2006” [Docket #24, filed October 20, 2006] is MOOT.

IT IS FURTHER ORDERED that the Clerk of the Court serve a copy of Petitioner’s amended petition for writ of habeas corpus and a copy of this Order on Respondent and the Attorney General by first class mail.

IT IS FURTHER ORDERED that Respondent file an answer to the amended habeas petition within thirty (30) days of the date of this Order or show cause why a response is not necessary.

s/Gerald E. Rosen
Gerald E. Rosen
United States District Judge

Dated: October 24, 2007

I hereby certify that a copy of the foregoing document was served upon counsel of record on October 24, 2007, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry
Case Manager